

PROB 12B
(7/93)

Report Date: October 19, 2009

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

OCT 21 2009

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Ricky E. Grubb

Case Number: 2:08CR00173-006

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 9/3/2009

Type of Supervision: Probation

Original Offense: Conspiracy to Utter Counterfeit
Securities of an Organization, 18 U.S.C. § 371 and
513

Date Supervision Commenced: 9/3/2009

Original Sentence: Probation - 36 Months

Date Supervision Expires: 9/2/2012

PETITIONING THE COURT

To modify the conditions of probation as follows:

- 18 You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.
- 19 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

CAUSE

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9th Cir. 2005), and to request that the conditions of probation be modified to authorize a maximum of six random drug tests per month.

Recent contact with Mr. Grubb suggests that the above-mentioned special condition #18 is appropriate. Ricky Grubb acknowledged that he experimented with illicit drugs and pain medication intermittently from age 17-22. In an attempt to provide federal funding, if necessary, it is requested that the Court modify the conditions of supervision to include the above-referenced condition.

Prob 12B

Re: Grubb, Ricky E.

October 19, 2009

Page 2

Ricky Grubb was asked whether he would waive his right to a hearing and agreed to the modifications as previously described. As indicated by the enclosed waiver of hearing to modify conditions of probation form, Mr. Grubb has agreed to the proposed modifications.

It is respectfully recommended that the attached waiver of hearing to modify conditions of probation be adopted requiring Ricky Grubb to participate in substance abuse treatment at the direction of the probation office.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/19/2009

s/Tommy Rosser

Tommy Rosser
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

10/21/09

Date